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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,137	04/19/2004	James N. Conway JR.	81230.11US2	2304
34018	7590	05/03/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732				EDWARDS JR, TIMOTHY
		ART UNIT		PAPER NUMBER
		2635		

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/827,137	CONWAY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Timothy Edwards, Jr.	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,5,6,8,10 and 11 is/are rejected.

7)  Claim(s) 4,7 and 9 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5)  Notice of Informal Patent Application (PTO-152)  
Paper No(s)/Mail Date \_\_\_\_ . 6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,5,6,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herder et al '644, and further in view of Huang et al '144.

Considering claim 1, Herder discloses a remote control system comprising, *a*) a keypad including a plurality of keys (see col 5, lines 37-40 and figs 2 and 3, item 100); *b*) a memory for storing a command code library for use in commanding the operation of the home appliance (see col 7, lines 48-50, col 9, lines 8-29 and lines 54-67). Examiner refers to col 9, lines 22-29 in which Herder discloses the finding of a cursor change commands via a look-up table. Huang teaches (see abstract) a controlling device having means to select executable instruction from a library of executable instructions and command code sets. One of ordinary skill in the art would readily recognize the use of a look-up table is a means of storing data and an alternative for a memory having a command code library. Therefore, it would have been obvious to one of ordinary skill in the art to include a memory having a command code library in the system of Herder as taught by Huang because Herder is concern with retrieving data from a specific location (i.e. look-up table) and a look-up table is functionally an alterative for a memory having

a command code library; c) wherein at least one command code from the command library is associated with at least one key of the keypad (see col 9, lines 54-67); Herder discloses two methods of conveying information to an electronic device. The first method is by a primary controller (100) and the second method is by a remote controller (50), which simulates the input of the primary controller and the primary controller converts and transmits the remote controller signals. This would suggest the primary controller would transmit the same codes it would use for its input to the electronic device for the remote control unit input codes because both units are performing the same functions. Therefore, it would have been obvious to one of ordinary skill in the art the command codes of the primary controller transmitted to the electronic device would be the same command codes of the remote controller, applied to the electronic device, in the Herder system because the primary controller interprets and conveys the signals of the remote controller to the electronic device; d) a transmitter in communication with the keypad wherein activation of the at least one key of the keypad causes the transmitter to transmit the at least one command code to the home appliance (see col 5, lines 16-28, col 9, lines 54-67 and col 10 ,lines 45-53); e) a relay unit spaced from the keypad comprising buttons, (see fig 1, items 50 and 52), and the buttons on the relay unit corresponding to the at least one key of the keypad wherein activation of the button function to simulate activation of the at least one key of the keypad, (see col 3, lines 26-29), to thereby cause the transmitter to transmit to the home appliance the at least one command code from the command code library that is mapped to the at least one key of the keypad (see col 4, lines 5-16, col 9, lines 54-67 and col 10, lines 29-40).

Considering claim 3, Herder discloses the limitation of this claim in col 5, lines 26-30.

Considering claims 5 and 6, Herder does not specifically recite the relay unit of his system is adapted to be attached to a key chain or be mounted to a wall. However, one of ordinary skill in the art would readily recognize the relay unit of Herder is portable and a hand-held device. An attachment or any type of holding means would not alter the function of the Herder relay unit. Therefore, it would have been obvious to one of ordinary skill in the art, without any undue experimentation, to make an attachment or a holding means for the relay unit of Herder because of its portability and size.

Considering claim 10, Herder discloses, a) accepting input which at least one command code from a plurality of command codes stored in a memory are associated with at least one key of a keypad (see col 9, lines 8-29 and lines 54-67). Examiner refers to col 9, lines 22-29 in which Herder discloses the finding of a cursor change commands via a look-up table. Huang teaches (see abstract) the use of a controlling device having means to select executable instruction from a library of executable instructions and command code sets. Obviousness rejection is as stated in claim 1, part (b and c); b) determining if the at least one key has been activated (see col 3, line 46 to col 4, line 16); c) determining if a command signal transmission that identifies the at least one key has been received from a relay unit spaced from the keypad (see col 5, lines 1-40 and col 10, lines 22-44); d) when determined that one key has been activated or the

command signal transmission that identifies the one key has been received, communicating to one or more home appliances the one or more command codes that have been associated to the one key on the keypad (see col 3, line 46 to col 4, line 16, col 5, lines 1-40 and col 10, lines 22-44).

Considering claim 11, the limitation of this claim is interpreted and rejected as stated in claim 3.

Claim 2, is rejected under 35 U.S.C. 103(a) as being unpatentable over Herder and Huang, and further in view of Hayes et al '938.

Considering claim 2, Herder discloses a remote control housing a keypad, a transmitter (see col 4, lines 56-60 and col 10, lines 45-49, figs 1 and 2); except Herder does not specifically recite a memory. However, in col 9, lines 22-29 Herder disclose the use of a look-up table and a micro-controller for converting information for transmission to a controlled device. Hayes teaches a remote control device having a micro-controller comprising a memory. One of ordinary skill in the art would readily recognize the micro-controller of the Herder system would have all the element required to form a working computer, to include a memory, as taught by Hayes because a micro-controller is also, known as a microcomputer or microprocessor and these items comprise a memory. Therefore, it would have been obvious to one of ordinary skill in the art the Herder

system includes a memory because Herder discloses a look-up table and a micro-controller comprise a memory as taught by Hayes.

Claim 8, is rejected under 35 U.S.C. 103(a) as being unpatentable over Herder and Huang, and further in view of Hashimoto '655.

Considering claim 8, Herder does not specifically recite a relay unit is built into a phone handset. However, Herder discloses a relay unit spaced from the keypad comprising buttons, (see fig 1, items 50 and 52), and the buttons on the relay unit corresponding to the at least one key of the keypad wherein activation of the button function to simulate activation of the at least one key of the keypad, (see col 3, lines 26-29), to thereby cause the transmitter to transmit to a home appliance a command code. Hashimoto discloses a relay unit within a phone and the pressing of buttons on the keypad of a telephone is translated into data representative of keys on a remote control unit and the pressing of buttons on the keypad of a telephone causes the remote control unit to transmit a command code to a home appliance (see columns 3 and 4). Hashimoto does not specifically recite the use of a phone handset. However one of ordinary skill in the art at the time of the invention would readily recognize the keypad of a phone is in its handset. Therefore, it would have been obvious to one of ordinary skill in the art to modify the relay unit of Herder to include it in a handset of a phone as taught by Hashimoto because both references are concern with sending a signal from a relay unit to a remote controller to control the activation of a home appliance.

***Allowable Subject Matter***

Claims 4,7,9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tigwell '780 discloses a remote controller used to send a RF signal to a transponder. The transponder converts the RF signal into an infrared signal to control an electronic device.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Tuesday-Friday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Mondays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

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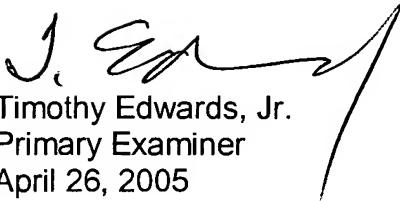
or fax to:

(703), 872-9314 (for formal communications intended for entry)

Or:

(for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
April 26, 2005